

SENATE BILL No. 388

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13-11-22.

Synopsis: Vacancies in local offices. Provides that if a caucus has not filled a vacancy in certain local offices before 45 days after the vacancy occurred or, if the vacancy is due to the death of the officeholder, the county chairman has received notice of the death of the officeholder, the vacancy shall be filled by: (1) the remaining members of the body if the body consists of three or more members; (2) the legislative body of the political subdivision if the vacancy occurs in the executive of the political subdivision (except as provided in (1)); and (3) the executive of the political subdivision (if the vacancy is not filled as provided in (1) or (2)).

Effective: July 1, 2016.

Bassler

January 12, 2016, read first time and referred to Committee on Elections.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 388

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-13-11-22 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 22. (a) This section applies if a caucus has not**
4 **otherwise filled a vacancy under this chapter before forty-five (45)**
5 **days after:**
6 (1) the vacancy occurred; or
7 (2) if the vacancy is due to the death of the officeholder, the
8 county chairman has received notice of the death of the
9 officeholder.
10 (b) As used in this section, "appointing authority" refers to the
11 individual or body required to fill a vacancy under subsection (c).
12 (c) The following shall fill a vacancy under this section:
13 (1) If the vacancy occurs on a body of three (3) or more
14 members, the remaining members of the body shall fill the
15 vacancy.
16 (2) Except as provided in subdivision (1), if the vacancy occurs
17 in the executive of a political subdivision, the legislative body



1 of the political subdivision shall fill the vacancy.

2 (3) If the vacancy is a vacancy not covered by subdivision (1)
3 or (2), the executive of the political subdivision shall fill the
4 vacancy.

5 (d) Not later than five (5) days after filling a vacancy under this
6 section, the appointing authority shall certify the pro tempore
7 appointment to the circuit court clerk of the county in which the
8 greatest percentage of the population of the election district is
9 located.

10 (e) This subsection applies to the selection of an individual for
11 an appointment pro tempore as judge of a town court, prosecuting
12 attorney, circuit court clerk, county auditor, county recorder,
13 county treasurer, county sheriff, county coroner, or county
14 surveyor. The clerk shall forward a copy of the certificate to the
15 election division. The election division shall prepare a commission
16 for issuance under IC 4-3-1-5 in the same manner that the election
17 division prepares a commission following the election of an
18 individual to the office.

19 (f) This subsection applies to the selection of an individual for an
20 appointment pro tempore to a local office not described in
21 subsection (e). The clerk shall file the certificate in the clerk's office
22 in the same manner as certificates of election are filed. Not later
23 than twenty-four (24) hours after the certificate is filed, the clerk
24 shall issue a copy of the certificate to the individual named in the
25 certificate.

